IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 44 OF 2001

1. Janardan Kundlikrao Pharande & Anr.] .. Petitioners

Versus

1. Maharashtra Pollution Control Board & Ors.] .. Respondents

Mr. S.P. Deshmukh i/b A.V. Anturkar for the applicant in C.A. No.19 of 2005.

Mr. R.V. Govilkar i/b R.S. Desai for respondent No.1.

Mr. Percy Gandhy i/b M/s. Maneksha Sethna for respondent No.2.

Mr. Milind Sathe with Mr. M.S. Doctor i/b Kanuga and Kanuga for respondent No.5.

Mr. N.S. Deshpande, AGP, for the respondents No.3 & 4.

CORAM: R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED: 08TH FEBRUARY, 2006

P.C. :

. Heard.

2. We perused the Affidavit of Mr.D.B. Boralkar, Member Secretary, Maharashtra Pollution Control Board dated 1st February, 2006. We also perused the Visit

Report dated 29th January, 2006, copy of which was handed in during the course of hearing marked "X" for identification purposes.

3. It appears that the site of respondent No.2-Industry was inspected on 29th January, 2006. The Visit Report summarizes its observations thus:

> "(A) During the visit, distillery is operated for 60 KLPD capacity and effluent generation is about 720 M^3/day. Out of which 320 M^3/day primary treated effluent (BME) is used for Bio-composting and 400^3/day. Secondary treated effluent is used for ferti-irrigation.
>
> (B) The industry has provided two No. of impervious lagoons for temporary storage of primary treated effluent (BME) having capacity of 14,000 M^3 and 25,000 M^3.
>
> . Industry has also provided one no. of impervious pond of 45,000 M^3 capacity for the storage of secondary treated effluent in their own land.
>
> (C) The industry had submitted time-bond programme for the utilisation of old spent waste stored in old lagoons and accordingly the total spent accumulated have been utilised in the bio-composting process.
>
> (D) For the treatment of spent wash industry has provided primary treatment (Bio-reactive) and secondary treatment plant. The treated effluent is stored in the impervious lagoon and pond before it is used for composting and ferti-irrigation purpose.

(E) The industry has already submitted comprehensive ferti-irrigation scheme in consultation with Rahahuri Krishi Vidhapeeth to the Board and the same is implemented.

(F) The industry has scrapped all the old lagoons step by step up to 31/12/2005 and reclaimed by using soil and fly ash. However, it is observed that latest two scrapped lagoons needs to leveled.

(G) The industry has commissioned the Biomethenation plant in the month of July 2002.

(H) The industry has approached to the Commissioner of Imports through ICMA (Indian Chemical Manufacturing Association) on 10th of August 2004. But no response was given by them.

. The industry has carried out E/A study regarding the quality of Nira River Water D/s of factory with regards to flora and fauna though M/s. Mahabal Enviro Engineers and the same was submitted to the Board.

(I) The industry has submitted the summary of feasibility report of NEERI for HRTS in which NEERI has recommended to take trials of HRTS at Nira and trials are being carried out in 10 Acres of land which was verified during the visit. The Eucalyptus trees are planted, and the growth is about 10 Mtrs. height, in 5 acres within three years.

(J) The industry had submitted Bank Guarantees and renewed it from time to time."

4. It transpires therefrom that the respondent No.2 industry has complied with the interim directions issued on 17th March, 2001. The Affidavit of Mr.D.B.

Boralkar also records that the respondent-industry has complied with interim directions on 17th March, 2001 and that the lagoons have been reclaimed in all respects.

5. In view thereof, nothing further remains to be done in the Writ Petition. It is disposed of accordingly. No costs.

Sd/-
[R.M. LODHA, J.]

Sd/-
[ANOOP V. MOHTA, J.]

[srpasha@hc]